Chapter 3 WATER QUALITY OBJECTIVES

The Porter-Cologne Water Quality Control Act defines "water quality objectives" as the allowable "limits or levels of water quality constituents or characteristics which are established for the reasonable protection of beneficial uses of water or the prevention of nuisance within a specific area." Thus, water quality objectives are intended to protect the public health and welfare, and to maintain or enhance water quality in relation to the existing and/or potential beneficial uses of the water. The objectives, when compared to future water quality data, will also provide the basis for detecting any future trend toward degradation or enhancement of basin waters.

The water quality objectives in this Basin Plan supersede and replace those contained in:

The 1975 Water Quality Control Plan for the North Lahontan Basin, as amended through 1990, and

The 1975 Water Quality Control Plan for the South Lahontan Basin, as amended through 1990.

Upon approval by the State Board and the California Office of Administrative Law (OAL), the proposed revisions in objectives for waters of the Lake Tahoe Basin will supersede and replace the corresponding objectives in the *Lake Tahoe Basin Water Quality Plan*, as amended through 1989. When considering approval of these, and other provisions of the revised Lahontan Basin Plan affecting the Lake Tahoe Basin, the State Board may consider rescission of the separate Lake Tahoe Basin Plan.

Water quality objectives apply to "waters of the State" and "waters of the United States." Some of the waters of the Lahontan Region are interstate waters, flowing into either Nevada or Oregon. The Lahontan Regional Board has a responsibility to ensure that waters leaving the state meet the water quality standards of the receiving state (see the discussion of "Interstate Issues" in the Introduction to Chapter 4).

Water Quality Standards

The federal Clean Water Act defines "water quality standards" to include both "designated uses" (i.e.,

beneficial uses) and "water quality criteria" (i.e., water quality objectives). Thus, the beneficial uses designated in Chapter Two of this Basin Plan and the water quality objectives of this Chapter are this Region's water quality standards for purposes of the Clean Water Act.

Water Quality Objectives and Effluent Limits

It is important to recognize the distinction between ambient water quality objectives and "effluent limitations" or "discharge standards" which are conditions in state and federal waste discharge permits. Effluent limitations are established in permits both to protect water for beneficial uses within the area of the discharge, and to meet or achieve water quality objectives.

Methodology For Establishing Water Quality Objectives

Water quality objectives are numerical or narrative. Narrative and numerical water quality objectives define the upper concentration or other limits that the Regional Board considers protective of beneficial uses.

The general methodology used in establishing water quality objectives involves, first, designating beneficial water uses; and second, selecting and quantifying the water quality parameters necessary to protect the most vulnerable (sensitive) beneficial uses. To comply with the Nondegradation Objective (see below), water quality objectives may be established at levels better than that necessary to protect the most vulnerable beneficial use.

In establishing water quality objectives, factors in addition to designated beneficial uses and the Nondegradation Objective are considered. These factors include environmental and economic considerations specific to each hydrologic unit, the need to develop and use recycled water, as well as the level of water quality which could be achieved through coordinated control of all factors which affect water quality in an area. Controllable water quality factors are those actions, conditions, or circumstances resulting from human activities that

may influence the quality of the waters of the State, and that may be reasonably controlled.

Water quality objectives can be reviewed and, if appropriate, revised by the Lahontan Regional Board. Revised water quality objectives would then be adopted as part of this Basin Plan by amendment. Opportunities for formal public review of water quality objectives will be available at a minimum of once every three years following the adoption of this Basin Plan to determine the need for further review and revision.

As a component of the State's continuing planning process, data may be collected and numerical water quality objectives may be developed for additional water bodies and/or constituents where sufficient information is presently not available for the establishment of such objectives. If appropriate, these objectives may be adopted by the Regional Board and amended to this Basin Plan.

Establishment of Numerical Objectives for Specific Water Bodies

Where available data were sufficient to define existing ambient levels of constituents, these levels were used in developing the numerical objectives for specific water bodies. By utilizing annual mean, 90th percentile values and flow-weighted values, the objectives are intended to be realistic within the variable conditions imposed by nature. This approach provides an opportunity to detect changes in water quality as a function of time through comparison of annual means, while still accommodating variations in the measured constituents.

Prohibited Discharges

Discharges which cause violation of the Nondegradation Objective (see below), or any narrative or numerical water quality objective are prohibited. (See also Section 4.1, "Waste Discharge Prohibitions.")

After application of reasonable control measures, ambient water quality shall conform to the narrative and numerical water quality objectives included in this Basin Plan. When other factors result in the degradation of water quality beyond the limits established by these water quality objectives, controllable human activities shall not cause further degradation of water quality in either surface or

ground waters.

Compliance with Water Quality Objectives

The purpose of text, in italics, following certain water quality objectives is to provide specific direction on compliance with the objective. General direction on compliance with objectives is described in the last section of this Chapter. It is not feasible to cover all circumstances and conditions which could be created by all discharges. Therefore, it is within the discretion of the Regional Board to establish other, or additional, direction on compliance with objectives of this Basin Plan. The purpose of the italic text is to provide direction only, and **not** to specify method of compliance.

Nondegradation Objective

This objective applies to **all** waters of the Lahontan Region (including surface waters, wetlands, and ground waters.)

On October 28, 1968, the State Water Resources Control Board adopted Resolution No. 68-16, "Statement of Policy with Respect to Maintaining High Quality of Waters in California," establishing a nondegradation policy for the protection of water quality. This policy, referred to in this Basin Plan as the Nondegradation Objective, requires continued maintenance of existing high quality waters. Whenever the existing quality of water is better that the quality of water established in this Basin Plan as objectives (both narrative and numerical), such shall be maintained unless existing quality appropriate findings are made under the policy. The U.S. Environmental Protection Agency, Region IX, issued detailed quidelines implementation of federal antidegradation regulations for surface waters (40 CFR § 131.12). For more information, see the discussion on "General Direction Regarding Compliance With Objectives" at the end of this Chapter.

As required by the federal Clean Water Act, no degradation is allowed in Lake Tahoe, designated as an Outstanding National Resource Water. Section 114 of the federal Clean Water Act also indicates the need to "preserve the fragile ecology of Lake Tahoe."

Water Quality Objectives for

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Surface Waters

Water quality objectives for surface waters are divided into the three categories of:

1. Water Quality Objectives Which Apply to All Surface Waters

Listed alphabetically below, these narrative and numerical water quality objectives apply to **all** surface waters (including wetlands) within the Lahontan Region:

Ammonia

Bacteria, Coliform

Biostimulatory Substances

Chemical Constituents

Chlorine, Total Residual

Color

Dissolved Oxygen

Floating Materials

Oil and Grease

Nondegradation of Aquatic Communities and

Populations

Pesticides

рΗ

Radioactivity

Sediment

Settleable Materials

Suspended Materials

Taste and Odor

Temperature

Toxicity

Turbidity

2. Water Quality Objectives For Certain Water Bodies

Some narrative and numerical water quality objectives are directed toward protection of surface waters (including wetlands) in specific areas. To the extent of overlap, these site-specific water quality objectives supersede the "Water Quality Objectives Which Apply to All Surface Waters" described above. The areas for which site-specific objectives have been adopted are listed below in order of hydrologic units (HUs) and hydrologic areas (HAs) within the Lahontan Region, in a north to south direction:

	<u>Figure</u>	rable
Surprise Valley HU	3-1	3-7
Eagle Drainage HA	3-2	3-8
Susanville HU	3-3	3-9
Little Truckee River HU	3-4	3-10

Truckee River HU	3-5	3-11
Lake Tahoe HU	3-6	3-12
Fallen Leaf Lake	3-6	3-13
West Fork Carson River HU	3-7	3-14
East Fork Carson River HU	3-7	3-14
West Walker River HU	3-8	3-15
East Walker River HU	3-8	3-15
Mono HU	3-9	3-16
Owens HU	3-10	3-17
Pine Creek, Inyo Co.	3-11	3-18
Antelope HU	3-12	3-19
Mojave HU	3-13	3-20
San Bernardino Mtns. Area	3-14	3-21

3. Water Quality Objectives for Fisheries Management Activities Using the Fish Toxicant Rotenone

Rotenone is a fish toxicant used by the California Department of Fish and Game (DFG) for fishery management purposes. (See detailed discussions later in this Chapter and in Chapter 4.) Additional water quality objectives pertinent to rotenone treatments are: Color, Pesticides, Species Composition, and Toxicity.

Water Quality Objectives Which Apply to All Surface Waters

Ammonia

The neutral, unionized ammonia species (NH_3°) is highly toxic to freshwater fish. The fraction of toxic NH_3° to total ammonia species ($NH_4^+ + NH_3^\circ$) is a function of temperature and pH. Tables 3-1 to 3-4 were derived from USEPA ammonia criteria for freshwater. Ammonia concentrations shall not exceed the values listed for the corresponding conditions in these tables. For temperature and pH values not explicitly in the these tables, the most conservative value neighboring the actual value may be used or criteria can be calculated from numerical formulas developed by the USEPA. For one-hour (1h-NH₃) and four-day (4d-NH₃) unionized ammonia criteria, the following equations apply:

 $1h-NH_3 = 0.052 \div (FT \times FPH \times 2)$

 $4d-NH_3 = 0.80 \div (FT \times FPH \times RATIO)$

where:

FT = $10^{[0.03(20-TCAP)]}$ for: TCAP \leq T \leq 30

FT = $10^{[0.03(20-T)]}$ for: 0 < T < TCAP

FPH = $(1+10^{(7.4-pH)}) \div 1.25$ for: $6.5 \le pH \le 8.0$

FPH = 1 for: 8.0<pH<9.0

RATIO = $20.25 \times (10^{(7.7-pH)}) \div (1+10^{(7.4-pH)})$ for: $6.5 \le pH \le 7.7$

RATIO = 13.5 for: 7.7≤pH≤9.0

and:

T = temperature in °C

TCAP = temperature cap in °C

For 1h-NH₃, TCAP is 20°C with salmonids present and 25°C with salmonids absent. For 4d-NH₃, TCAP is 15°C with salmonids present and 20°C with salmonids absent.

For interpolation of total ammonia ($NH_4^+ + NH_3^\circ$) criteria, the following equations can be used:

$$n_{1h} = 1h-NH_3 \div f$$
, or $n_{4d} = 4d-NH_3 \div f$

where:

 n_{1h} is the one-hour criteria for total ammonia species (NH $_{4}^{^{+}}$ + NH $_{3}^{\circ})$

 n_{4d} is the four-day criteria for total ammonia species (NH $_{4}^{^{+}}$ + NH $_{3}^{\circ})$

$$f = 1 \div (10^{(pKa-pH)} + 1)$$

pKa = $0.0901821 + [2729.92 \div (T+273.15)]$

and:

pKa is the negative log of the equilibrium constant for the NH₄ $^+$ _ NH₃ $^\circ$ + H $^+$ reaction

f is the fraction of unionized ammonia to total ammonia species: $[NH_3^{\circ} \div (NH_4^{+} + NH_3^{\circ})]$

Values outside of the ranges 0-30°C or pH 6.5-9.0 cannot be extrapolated from these relationships. Sitespecific objectives must be developed for these conditions. A microcomputer spreadsheet to calculate ammonia criteria was developed by Regional Board staff. An example of output from this program is given in Table 3-5. Contact the Regional Board if a copy is desired.

Bacteria, Coliform

Waters shall not contain concentrations of coliform organisms attributable to anthropogenic sources, including human and livestock wastes.

The fecal coliform concentration during any 30-day period shall not exceed a log mean of 20/100 ml, nor shall more than 10 percent of all samples collected during any 30-day period exceed 40/100 ml. The log mean shall ideally be based on a minimum of not less than five samples collected as evenly spaced as practicable during any 30-day period. However, a log mean concentration exceeding 20/100 ml for any 30-day period shall indicate violation of this objective even if fewer than five samples were collected.

Biostimulatory Substances

Waters shall not contain biostimulatory substances in concentrations that promote aquatic growths to the extent that such growths cause nuisance or adversely affect the water for beneficial uses.

Chemical Constituents

Waters designated as MUN shall not contain concentrations of chemical constituents in excess of the maximum contaminant level (MCL) or secondary maximum contaminant level (SMCL) based upon drinking water standards specified in the following provisions of Title 22 of the California Code of Regulations which are incorporated by reference into this plan: Table 64431-A of Section 64431 (Inorganic Chemicals), Table 64444-A of Section 64444 (Organic Chemicals), Table 64449-A of Section 64449 (Secondary Maximum Contaminant Levels-

Consumer Acceptance Limits), and Table 64449-B of Section 64449 (Secondary Maximum Contaminant Levels-Ranges). This incorporation-by-reference is prospective including future changes to the incorporated provisions as the changes take effect.

Waters designated as AGR shall not contain concentrations of chemical constituents in amounts that adversely affect the water for beneficial uses (i.e., agricultural purposes).

Waters shall not contain concentrations of chemical constituents in amounts that adversely affect the water for beneficial uses.

Chlorine, Total Residual

For the protection of aquatic life, total chlorine residual shall not exceed either a median value of 0.002 mg/L or a maximum value of 0.003 mg/L. Median values shall be based on daily measurements taken within any six-month period.

Color

Waters shall be free of coloration that causes nuisance or adversely affects the water for beneficial uses.

Dissolved Oxygen

The dissolved oxygen concentration, as percent saturation, shall not be depressed by more than 10 percent, nor shall the minimum dissolved oxygen concentration be less than 80 percent of saturation.

For waters with the beneficial uses of COLD, COLD with SPWN, WARM, and WARM with SPWN, the minimum dissolved oxygen concentration shall not be less than that specified in Table 3-6.

Floating Materials

Waters shall not contain floating material, including solids, liquids, foams, and scum, in concentrations that cause nuisance or adversely affect the water for beneficial uses.

For natural high quality waters, the concentrations of floating material shall not be altered to the extent that such alterations are discernable at the 10 percent significance level.

Oil and Grease

Waters shall not contain oils, greases, waxes or other materials in concentrations that result in a visible film

or coating on the surface of the water or on objects in the water, that cause nuisance, or that otherwise adversely affect the water for beneficial uses.

For natural high quality waters, the concentration of oils, greases, or other film or coat generating substances shall not be altered.

Nondegradation of Aquatic Communities and Populations

All wetlands shall be free from substances attributable to wastewater or other discharges that produce adverse physiological responses in humans, animals, or plants; or which lead to the presence of undesirable or nuisance aquatic life.

All wetlands shall be free from activities that would substantially impair the biological community as it naturally occurs due to physical, chemical and hydrologic processes.

Pesticides

For the purposes of this Basin Plan, pesticides are defined to include insecticides, herbicides, rodenticides, fungicides, piscicides and all other economic poisons. An economic poison is any substance intended to prevent, repel, destroy, or mitigate the damage from insects, rodents, predatory animals, bacteria, fungi or weeds capable of infesting or harming vegetation, humans, or animals (CA Agriculture Code § 12753).

Pesticide concentrations, individually or collectively, shall not exceed the lowest detectable levels, using the most recent detection procedures available. There shall not be an increase in pesticide concentrations found in bottom sediments. There shall be no detectable increase in bioaccumulation of pesticides in aquatic life.

Waters designated as MUN shall not contain concentrations of pesticides or herbicides in excess of the limiting concentrations specified in Table 64444-A of Section 64444 (Organic Chemicals) of Title 22 of the California Code of Regulations which is incorporated by reference into this plan. This incorporation-by-reference is prospective including future changes to the incorporated provisions as the changes take effect.

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In fresh waters with designated beneficial uses of

COLD or WARM, changes in normal ambient pH levels shall not exceed 0.5 pH units. For all other waters of the Region, the pH shall not be depressed below 6.5 nor raised above 8.5.

The Regional Board recognizes that some waters of the Region may have natural pH levels outside of the 6.5 to 8.5 range. Compliance with the pH objective for these waters will be determined on a case-bycase basis.

Radioactivity

Radionuclides shall not be present in concentrations which are deleterious to human, plant, animal, or aquatic life nor which result in the accumulation of radionuclides in the food web to an extent which presents a hazard to human, plant, animal, or aquatic life.

Waters designated as MUN shall not contain concentrations of radionuclides in excess of the limits specified in Table 4 of Section 64443 (Radioactivity) of Title 22 of the California Code of Regulations which is incorporated by reference into this plan. This incorporation-by-reference is prospective including future changes to the incorporated provisions as the changes take effect.

Sediment

The suspended sediment load and suspended sediment discharge rate of surface waters shall not be altered in such a manner as to cause nuisance or adversely affect the water for beneficial uses.

Settleable Materials

Waters shall not contain substances in concentrations that result in deposition of material that causes nuisance or that adversely affects the water for beneficial uses. For natural high quality waters, the concentration of settleable materials shall not be raised by more that 0.1 milliliter per liter.

Suspended Materials

Waters shall not contain suspended materials in concentrations that cause nuisance or that adversely affects the water for beneficial uses.

For natural high quality waters, the concentration of total suspended materials shall not be altered to the extent that such alterations are discernible at the 10 percent significance level.

Taste and Odor

Waters shall not contain taste or odor-producing substances in concentrations that impart undesirable tastes or odors to fish or other edible products of aquatic origin, that cause nuisance, or that adversely affect the water for beneficial uses. For naturally high quality waters, the taste and odor shall not be altered.

Temperature

The natural receiving water temperature of all waters shall not be altered unless it can be demonstrated to the satisfaction of the Regional Board that such an alteration in temperature does not adversely affect the water for beneficial uses.

For waters designated WARM, water temperature shall not be altered by more than five degrees Fahrenheit (5°F) above or below the natural temperature. For waters designated COLD, the temperature shall not be altered.

Temperature objectives for COLD interstate waters and WARM interstate waters are as specified in the "Water Quality Control Plan for Control of Temperature in The Coastal and Interstate Waters and Enclosed Bays and Estuaries of California" including any revisions. This plan is summarized in Chapter 6 (Plans and Policies), and included in Appendix B.

Toxicity

All waters shall be maintained free of toxic substances in concentrations that are toxic to, or that produce detrimental physiological responses in human, plant, animal, or aquatic life. Compliance with this objective will be determined by use of indicator organisms, analyses of species diversity, population density, growth anomalies, bioassays of appropriate duration and/or other appropriate methods as specified by the Regional Board.

The survival of aquatic life in surface waters subjected to a waste discharge, or other controllable water quality factors, shall not be less than that for the same water body in areas unaffected by the waste discharge, or when necessary, for other control water that is consistent with the requirements for "experimental water" as defined in *Standard Methods for the Examination of Water and Wastewater* (American Public Health Association, et al. 1992).

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Turbidity

Waters shall be free of changes in turbidity that cause nuisance or adversely affect the water for beneficial uses. Increases in turbidity shall not exceed natural levels by more than 10 percent.

Water Quality Objectives For Certain Water Bodies

The narrative and numerical water quality objectives which follow in this section are directed toward protection of surface waters (including wetlands) in certain hydrologic units (HUs), watersheds, or water bodies within the Lahontan Region. These surface waters are listed by hydrologic unit, in a north to south direction.

Specific numerical criteria are organized in a tabular format. Maps (figures) are included to illustrate the locations of surface waters listed in the tables. Figures and tables are located at the end of the Chapter.

Surprise Valley Hydrologic Unit

(See Figure 3-1 and Table 3-7 for water quality objectives for the Surprise Valley HU.)

Susanville Hydrologic Unit

(Figures 3-2 and 3-3, Tables 3-8 and 3-9)

Unless otherwise specified, the following additional water quality objectives apply to all surface waters of the *Eagle Drainage Hydrologic Area* (Figure 3-2):

Algal Growth Potential: The mean monthly mean of algal growth potential shall not be altered to the extent that such alterations are discernible at the 10 percent significance level.

Bacteria, Fecal Coliform

The fecal coliform concentration based on a minimum of not less than five samples for any 30-day period, shall not exceed a log mean of 20/100 ml, nor shall more than 10 percent of total samples during any 30-day period exceed 75/100 ml.

Biostimulatory Substances: The concentrations of biostimulatory substances shall not be altered in an amount that could produce an increase in aquatic biomass to the extent that such increases in aquatic biomass are discernible at the 10 percent

significance level.

Chlorophyll-a: For the following Eagle Lake stations listed below and mapped in Figure 3-2, the chlorophyll-a levels, as measured in micrograms per liter on a mean of monthly mean basis, shall not exceed the following values:

<u>Station</u>	Chlorophyll-a
Middle Basin 5A	5.2
South Basin 11	4.5

Also, chlorophyll-a levels in Eagle Lake shall not be increased to the extent that such alterations are discernible at the 10 percent significance level.

Dissolved Oxygen: In all waters of Eagle Lake except for the hypolimnion, the dissolved oxygen concentration shall not be depressed by more than 10 percent, below 80 percent saturation, or below 7.0 mg/L at any time, whichever is more restrictive.

pH: In the hypolimnion of Eagle Lake, the pH shall not be depressed below 7.6 at any time. For all other Eagle Lake waters, changes in normal ambient pH shall not exceed 0.1 units.

Plankton Counts: For the Eagle Lake stations listed below and mapped in Figure 3-2, total phytoplankton abundance as calculated per milliliter on a mean of monthly means basis shall not exceed the following values:

Station Plankton Count (number per mL)

Middle Basin 4A 7,400 South Basin 11 4.600

Also, for the waters of Eagle Lake, the phytoplankton abundance shall not be increased to the extent that such alterations are discernible at the 10 percent significance level.

Species Composition: Species composition of the aquatic biota shall not be altered to the extent that such alterations are discernible at the 10 percent significance level.

Taste and Odor: The taste and odor shall not be altered.

Transparency: Transparency of Eagle Lake waters as measured by a secchi disk on a mean of monthly mean basis shall not fall below the following values for each of the three index stations mapped in Figure 3-2:

<u>Station</u>	Secchi Di	sk Transparency
North Basin 6 Middle Basin South Basin	4A :	3.1 meters 2.3 meters 4.4 meters

Also, the secchi disk transparency of Eagle Lake waters shall not be decreased to the extent that such alterations are discernible at the 10 percent significance level.

The following additional water quality objectives apply to *Honey Lake* (Figure 3-3):

The average value at any given time (based on at least 3 samples from 3 different locations) shall not exceed:

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Arsenic (in mg/L)
= 37,113 \times \text{(lake volume in acre-feet)}^{-0.98418}
Boron (in mg/L)
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Molybdenum (in mg/L) = $16,667 \times (lake volume in acre-feet)^{-0.97658}$

= 836,820 \times (lake volume in acre-feet) $^{-0.98133}$

The pH (based on the average of values from at least 3 samples from 3 different locations) shall not at any time be depressed below 8.0 nor raised above 10.0.

Little Truckee River Hydrologic Unit

(Figure 3-4, Table 3-10)

The following additional water quality objectives apply to all surface waters of the Little Truckee River Hydrologic Unit:

Algal Growth Potential: The mean monthly algal growth potential shall not be altered to the extent that such alterations are discernible at the 10 percent significance level.

Biostimulatory Substances: The concentration of biostimulatory substances shall not be altered in an amount that could produce an increase in aquatic

biomass to the extent that such increases are discernible at the 10 percent significance level.

Color: The color shall not exceed an eight (8) Platinum Cobalt Unit mean of monthly means [approximately equivalent to the State of Nevada standard of a twelve (12) Platinum Cobalt Unit sample mean].

Dissolved Oxygen: The dissolved oxygen concentration shall not be depressed by more than 10 percent, below 80 percent saturation, or below 7.0 mg/L at any time, whichever is more restrictive.

pH: Changes in normal ambient pH levels shall not exceed 0.5 unit.

Species Composition: The species composition of aquatic organisms shall not be altered to the extent that such alterations are discernible at the 10 percent significance level.

Taste and Odor: The taste and odor shall not be altered.

Turbidity: The turbidity shall not be raised above 3 Nephelometric Turbidity Units (NTU) mean of monthly means. (This objective is approximately equal to the State of Nevada standard of 5 NTU sample mean.)

Truckee River Hydrologic Unit

(Figure 3-5, Table 3-11)

Unless otherwise specified, the following additional water quality objectives apply to all surface waters of the Truckee River Hydrologic Unit:

Algal Growth Potential: The mean monthly algal growth potential shall not be altered to the extent that such alterations are discernible at the 10 percent significance level. This objective does not apply to Martis Creek; however, nuisance or pollution levels of algal growth potential shall not be discernible at these stations.

Biostimulatory Substances: The concentration of biostimulatory substances shall not be altered in an amount that could produce an increase in aquatic biomass to the extent that such increases are discernible at the 10 percent significance level. This objective does not apply to Martis Creek or the

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Truckee River stations downstream of Martis Creek; however, no nuisance or pollution levels of algal biomass shall be discernible at these stations at any time.

Color: The color shall not exceed an eight (8) Platinum Cobalt Unit mean of monthly means (approximately equivalent to the State of Nevada standard of a twelve (12) Platinum Cobalt Unit sample mean).

Dissolved Oxygen: The dissolved oxygen concentrations shall not be depressed by more than 10 percent, below 80 percent saturation, or below 7.0 mg/L at any time, whichever is more restrictive.

pH: Changes in normal ambient pH levels shall not exceed 0.5 unit.

Species Composition: The species composition of aquatic organisms shall not be altered to the extent that such alterations are discernible at the 10 percent significance level. This objective does not apply to Martis Creek or the Truckee River stations downstream of Martis Creek; however, alterations in species composition which result in a nuisance or pollution shall not be discernible at these stations at any time.

Taste and Odor: The taste and odor shall not be altered.

Turbidity: The turbidity shall not be raised above 3 Nephelometric Turbidity Units (NTU) mean of monthly means. (This objective is approximately equal to the State of Nevada standard of 5 NTU sample mean.)

Lake Tahoe Hydrologic Unit

(Figure 3-6, Tables 3-12 and 3-13)

Unless otherwise specified, the following additional water quality objectives apply to all waters of the Lake Tahoe Hydrologic Unit:

Algal Growth Potential: For Lake Tahoe, the mean algal growth potential at any point in the Lake shall not be greater than twice the mean annual algal growth potential at the limnetic reference station. The limnetic reference station is located in the north central portion of Lake Tahoe. It is shown on maps in annual reports of the Lake Tahoe Interagency

Monitoring Program. Exact coordinates can be obtained from the U.C. Davis Tahoe Research Group.

Biological Indicators: For Lake Tahoe, algal productivity and the biomass of phytoplankton, zooplankton, and periphyton shall not be increased beyond the levels recorded in 1967-71, based on statistical comparison of seasonal and annual means. The "1967-71 levels" are reported in the annual summary reports of the "California-Nevada-Federal Joint Water Quality Investigation of Lake Tahoe" published by the California Department of Water Resources.

Clarity: For Lake Tahoe, the vertical extinction coefficient shall be less than 0.08 per meter when measured below the first meter. When water is too shallow to determine a reliable extinction coefficient, the turbidity shall not exceed 3 Nephelometric Turbidity Units (NTU). In addition, turbidity shall not exceed 1 NTU in shallow waters not directly influenced by stream discharges. The Regional Board will determine when water is too shallow to determine a reliable vertical extinction coefficient based upon its review of standard limnological methods and on advice from the U.C. Davis Tahoe Research Group.

Conductivity, Electrical: In Lake Tahoe, the mean annual electrical conductivity shall not exceed 95 umhos/cm at 50°C at any location in the Lake.

pH: In Lake Tahoe, the pH shall not be depressed below 7.0 nor raised above 8.4.

Plankton Counts: For Lake Tahoe, the mean seasonal concentration of plankton organisms shall not be greater than 100 per ml and the maximum concentration shall not be greater than 500 per ml at any point in the Lake.

Suspended Sediment: Suspended sediment concentrations in streams tributary to Lake Tahoe shall not exceed a 90th percentile value of 60 mg/L. (This objective is equivalent to the Tahoe Regional Planning Agency's regional "environmental threshold carrying capacity" standard for suspended sediment in tributaries.) The Regional Board will consider revision of this objective in the future if it proves not to be protective of beneficial uses or if review of

monitoring data indicates that other numbers would be more appropriate for some or all streams tributary to Lake Tahoe.

Transparency: For Lake Tahoe, the secchi disk transparency shall not be decreased below the levels recorded in 1967-71, based on a statistical comparison of seasonal and annual mean values. The "1967-71 levels" are reported in the annual summary reports of the "California-Nevada-Federal Joint Water Quality Investigation of Lake Tahoe" published by the California Department of Water Resources.

Turbidity: see "Clarity" above

West Fork Carson River Hydrologic Unit

(Figure 3-7, Table 3-14)

The following additional water quality objectives apply to all surface waters of the West Fork Carson River Hydrologic Unit:

Algal Growth Potential: The mean of monthly mean of algal growth potential shall not be altered to the extent that such alterations are discernible at the 10 percent significance level.

Biostimulatory Substances: The concentrations of biostimulatory substances shall not be altered in an amount that could produce an increase in aquatic biomass to the extent that such increases in aquatic biomass are discernible at the 10 percent significance level.

Color: The color shall not exceed the 13 Platinum Cobalt Unit mean of monthly means (approximately equal to the State of Nevada standard of 13 Platinum Cobalt Unit sample mean).

Dissolved Oxygen: The dissolved oxygen concentration shall not be depressed by more than 10 percent, below 80 percent saturation or below 7.0 mg/L at any time, whichever is more restrictive.

pH: Changes in normal ambient pH levels shall not exceed 0.5 unit.

Species Composition: Species composition of the aquatic biota shall not be altered to the extent that such alterations are discernible at the 10 percent

significance level.

Taste and Odor: The taste and odor shall not be altered.

Turbidity: The turbidity shall not be raised above a mean of monthly means value of 2 NTU. (This objective is approximately equal to the State of Nevada standard of 2 NTU annual mean.)

East Fork Carson River Hydrologic Unit

(Figure 3-7, Table 3-14)

The following additional water quality objectives apply to all surface waters of the *Indian Creek watershed*:

Algal Growth Potential: The mean of monthly mean of algal growth potential shall not be altered to the extent that such alterations are discernible at the 10 percent significance level.

Biostimulatory Substances: The concentrations of biostimulatory substances shall not be altered in an amount that could produce an increase in aquatic biomass to the extent that such increases in aquatic biomass are discernible at the 10 percent significance level.

Color: The color shall not exceed the 13 Platinum Cobalt Unit mean of monthly means (approximately equal to the State of Nevada standard of 13 Platinum Cobalt Unit sample mean).

Dissolved Oxygen: The dissolved oxygen concentration shall not be depressed by more than 10 percent, below 80 percent saturation, or below 7.0 mg/L at any time, whichever is more restrictive.

pH: Changes in normal ambient pH levels shall not exceed 0.5 unit.

Species Composition: Species composition shall not be altered to the extent that such alterations are discernible at the 10 percent significance level.

Taste and Odor: The taste and odor shall not be altered.

Walker River Hydrologic Units

(See Figure 3-8 and Table 3-15 for water quality objectives for the Walker River HUs.)

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Mono Hydrologic Unit

(See Figure 3-9 and Table 3-16 for water quality objectives for the Mono HU.)

Owens River Hydrologic Unit

(Figures 3-10 and 3-11, Tables 3-17 and 3-18) The following additional water quality objectives apply to all surface waters of the *Pine Creek watershed* (Figure 3-11):

Ammonia, Un-ionized: The discharge of wastes shall not cause concentrations of un-ionized ammonia (NH $_3$ °) to exceed 0.01 mg/L (as NH $_3$ °) in receiving waters.

Settleable Material: The concentration of settleable material shall not be raised by more than 0.2 milliliter per liter (maximum), and by no more than an average of 0.1 milliliter per liter during any 30-day period.

Antelope Hydrologic Unit

(See Figure 3-12 and Table 3-19 for water quality objectives for the Antelope HU.)

Mojave Hydrologic Unit

(See Figures 3-13 and 3-14, and Tables 3-20 and 3-21, for water quality objectives for the Mojave HU.)

Water Quality Objectives for Fisheries Management Activities Using the Fish Toxicant Rotenone

Rotenone is a fish toxicant used by the California Department of Fish and Game (DFG) for fishery management purposes. (See Chapter 4 for a more complete discussion of this topic.)

The application of rotenone solutions and the detoxification agent potassium permanganate can cause several water quality objectives to be temporarily exceeded, both inside and outside of project boundaries. (Project boundaries are defined as encompassing the treatment area, the detoxification area, and the area downstream of the detoxification station up to a thirty-minute travel time.)

Additional narrative water quality objectives applicable to rotenone treatments are: color, pesticides, toxicity, and species composition.

Conditional variances to these objectives may be granted by the Regional Board's Executive Officer for rotenone applications by the DFG, provided that such projects comply with the conditions described below and with the conditions described in Chapter 4 (Implementation) under the section entitled "Rotenone Use in Fisheries Management."

Color

The characteristic purple discoloration resulting from the discharge of potassium permanganate shall not be discernible more than two miles downstream of project boundaries at any time. Twenty-four (24) hours after shutdown of the detoxification operation, no color alteration(s) resulting from the discharge of potassium permanganate shall be discernible within or downstream of project boundaries.

Pesticides

Chemical residues resulting from rotenone treatment must not exceed the following limitations:

- 1. The concentration of naphthalene outside of project boundaries shall not exceed 25 ug/liter (ppb) at any time.
- 2. The concentration of rotenone, rotenolone, trichloroethylene (TCE), xylene, or acetone (or potential trace contaminants such as benzene or ethylbenzene) outside of project boundaries shall not exceed the detection levels for these respective compounds at any time. "Detection level" is defined as the minimum level that can be reasonably detected using state-of-the-art equipment and methodology.
- After a two-week period has elapsed from the date that rotenone application was completed, no chemical residues resulting from the treatment shall be present at detectable levels within or downstream of project boundaries.
- 4. No chemical residues resulting from rotenone treatments shall exceed detection levels in ground water at any time.

Species Composition

The reduction in fish diversity associated with the elimination of non-native game fish or exotic species may be part of the project goal, and may therefore be unavoidable. However, non-target aquatic populations (e.g., invertebrates, amphibians) that are

reduced by rotenone treatments are expected to repopulate project areas within one year. Where species composition objectives are established for specific water bodies or hydrologic units, the established objective(s) shall be met for all non-target aquatic organisms within one year following rotenone treatment. For multi-year treatments (i.e., when rotenone is applied to the same water body during two or more consecutive years), the established objective(s) shall be met for all non-target aquatic organisms within one year following the final rotenone application to a given water body.

Threatened or endangered aquatic populations (e.g., invertebrates, amphibians) shall not be adversely affected. The DFG shall conduct pre-project monitoring to prevent rotenone application where threatened or endangered species may be adversely impacted.

Toxicity

Chemical residues resulting from rotenone treatment must not exceed the limitations listed above for pesticides.

Water Quality Objectives for Ground Water

(See also section 4.6, "Ground Water Protection and Management")

Water quality objectives for ground waters are divided into the two categories of:

 Water Quality Objectives Which Apply to All Ground Waters. Listed alphabetically below, these narrative and numerical water quality objectives apply to all ground waters within the Lahontan Region:

Bacteria, Coliform Chemical Constituents Radioactivity Taste and Odor

2. Water Quality Objectives For Specific Ground Water Basins. Certain numerical and narrative water quality objectives are directed toward protection of specific ground water basins. These ground water basins are listed below by ground water basin name within the Lahontan Region, in a north to south direction:

Honey Lake Valley Truckee River and Little Truckee River HUs Carson Valley Mojave River Valley

Water Quality Objectives Which Apply to All Ground Waters

Bacteria, Coliform

In ground waters designated as MUN, the median concentration of coliform organisms over any seven-day period shall be less than 1.1/100 milliliters.

Chemical Constituents

Ground waters designated as MUN shall not contain concentrations of chemical constituents in excess of the maximum contaminant level (MCL) or secondary maximum contaminant level (SMCL) based upon drinking water standards specified in the following provisions of Title 22 of the California Code of Regulations which are incorporated by reference into this plan: Table 64431-A of Section 64431 (Inorganic Chemicals), Table 64431-B of Section 64431 (Fluoride), Table 64444-A of Section 64444 (Organic Chemicals). Table 64449-A of Section 64449 Maximum Contaminant (Secondary Consumer Acceptance Limits), and Table 64449-B of Section 64449 (Secondary Maximum Contaminant Levels-Ranges). This incorporation-by-reference is prospective including future changes to the incorporated provisions as the changes take effect.

Waters designated as AGR shall not contain concentrations of chemical constituents in amounts that adversely affect the water for beneficial uses (i.e., agricultural purposes).

Ground waters shall not contain concentrations of chemical constituents that adversely affect the water for beneficial uses.

Radioactivity

Ground waters designated as MUN shall not contain concentrations of radionuclides in excess of the limits specified in Table 4 of Section 64443 (Radioactivity) of Title 22 of the California Code of Regulations which is incorporated by reference into this plan. This incorporation-by-reference is prospective including

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future changes to the incorporated provisions as the changes take effect.

Taste and Odor

Ground waters shall not contain taste odor-producing substances in concentrations that cause nuisance or that adversely affect beneficial uses. For ground waters designated as MUN, at a minimum, concentrations shall not exceed adopted secondary maximum contaminant levels specified in Table 64449-A of Section 64449 (Secondary Maximum Contaminant Levels-Consumer Acceptance Limits), and Table 64449-B of Section 64449 (Secondary Maximum Contaminant Levels-Ranges) of Title 22 of the California Code of Regulations which is incorporated by reference into incorporation-by-reference This plan. prospective including future changes to the incorporated provisions as the changes take effect.

Water Quality Objectives For Certain Ground Water Basins

Honey Lake Valley Basin

For ground waters under the **Eagle Drainage Hydrologic Area** (Figure 3-2), the taste and odor shall not be altered.

Truckee River and Little Truckee River HUs

For ground waters under the Little Truckee River Hydrologic Unit (Figure 3-4), the taste and odor shall not be altered.

For ground waters under the **Truckee River Hydrologic Unit** (Figure 3-5), the taste and odor shall not be altered.

Carson Valley Basin

For ground waters under the **Indian Creek Watershed** (Figure 3-7), the taste and odor shall not be altered.

For ground waters under the **West Fork Carson River Hydrologic Unit** (Figure 3-7), the taste and odor shall not be altered.

General Direction Regarding

Compliance With Objectives

This section includes general direction determining compliance with the nondegradation, narrative and numerical objectives described in this Chapter. (Specific direction on compliance with certain objectives is included, in italics, following the text of the objective.) It is not feasible to cover all circumstances and conditions which could be created by all discharges. Therefore, it is within the discretion of the Regional Board to establish other, or additional, direction on compliance with objectives of this Plan. Where more than one objective is applicable, the stricter objective shall apply. (The only exception is where a regionwide objective has been superseded by the adoption of a site-specific objective by the Regional Board.) Where objectives not specifically designated, downstream objectives apply to upstream tributaries.

Nondegradation Objective

To implement State Board Resolution No. 68-16, the "Statement of Policy with Respect to Maintaining High Quality Waters in California," the Regional Board follows guidance such as that in the USEPA's 1993 Water Quality Standards Handbook and the State Board's October 7, 1987 legal memorandum titled "Federal Antidegradation Policy" (Attwater 1987). The State Board has interpreted the Resolution No. 68-16 to incorporate the federal antidegradation policy in order to ensure consistency with federal Clean Water Act requirements (see State Board Order No. WQ 86-17, pages 16-24). For detailed information on the federal antidegradation policy, see USEPA Region IX's Guidance on Implementing the Antidegradation Provisions of 40 CFR 131.12 and USEPA's Questions and Answers Antidegradation. The Regional procedures for implementation of State and federal antidegradation policies are summarized below. It is important to note that the federal policy applies only to surface waters, while the State policy applies to both surface and ground waters.

Under the State Nondegradation Objective, whenever the existing quality of water is better than that needed to protect all existing and probable future beneficial uses, the existing high quality shall be maintained until or unless it has been demonstrated to the State that any change in water quality will be consistent with the maximum benefit of the people of the State, and will not unreasonably affect present

and probable future beneficial uses of such water. Therefore, unless these conditions are met, background water quality concentrations (the concentrations of substances in natural waters which are unaffected by waste management practices or contamination incidents) are appropriate water quality goals to be maintained. If it is determined that some degradation is in the best interest of the people of California, some increase in pollutant level may be appropriate. However, in no case may such increases cause adverse impacts to existing or probable future beneficial uses of waters of the State.

Where the federal antidegradation policy applies, it does not absolutely prohibit any changes in water quality. The policy requires that any reductions in water quality be consistent with the three-part test established by the policy, as described below.

Part One—Instream Uses

[40 CFR § 131.12(a)(1)]

The first part of the test establishes that "existing instream water uses and the level of water quality necessary to protect the existing uses shall be maintained and protected." Reductions in water quality should not be permitted if the change in water quality would seriously harm any species found in the water (other than an aberrational species). Waters of this type are generally referred to as "Tier I" waters.

Part Two—Public Interest Balancing

[40 CFR § 131.12(a)(2)]

The second part of the test applies where water quality is higher than necessary to protect existing instream beneficial uses. This part of the test allows reductions in water quality if the state finds "that allowing lower water quality is necessary to accommodate important economic or social development in the area in which the waters are located" and existing beneficial uses are protected. Waters of this type are generally referred to as "Tier II" waters.

Part Three—Outstanding National Resource Waters (ONRWs) [40 CFR § 131.12(a)(3)]

The third part of the test established by the federal policy requires that the water quality of the waters which constitute an outstanding national resource be maintained and protected. No permanent or long-term reduction in water quality is allowable in areas given special protection as Outstanding National

Resource Waters (48 Fed. Reg. 51402). Waters which potentially could qualify for ONRW designation are generally classified as "Tier III" waters.

Examples of such waters include, but are not limited to, waters of National and State Parks and wildlife refuges, waters of exceptional recreational or ecological significance, and state and federally designated wild and scenic rivers. To date, the only California water designated as an ONRW is Lake Tahoe. However, other California waters would certainly qualify.

ONRWs may be designated as part of adoption or amendment of water quality control plans. It is important to note that even if no formal designation has been made, lowering of water quality should not be allowed for waters which, because of their exceptional recreational and/or ecological significance, should be given the special protection assigned to ONRWs.

Narrative and Numerical Objectives

The sections below provide additional direction on determining compliance with the narrative and numerical objectives of this Basin Plan.

Pollution and/or Nuisance

In determining compliance with narrative objectives which include the terms "pollution" and or "nuisance," the Regional Board considers the following definitions from the Porter-Cologne Water Quality Control Act.

Pollution -- an alteration of the waters of the State by waste to the degree which unreasonably affects either of the following:

- such waters for beneficial uses.
- facilities which serve these beneficial uses.

"Pollution" may include "contamination." Contamination means an impairment of the quality of the waters of the State by waste to a degree which creates a hazard to the public health through poisoning or through the spread of disease. Contamination includes any equivalent effect resulting from the disposal of waste, whether or not waters of the State are affected.

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Nuisance -- Anything which meets all of the following requirements:

- Is injurious to health, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property.
- Affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal.
- Occurs during or as a result of the treatment or disposal of wastes.

References to Taste and Odor, Human Health and Toxicity (also see "acute toxicity" and "chronic toxicity." below):

In determining compliance with objectives including references to Taste and Odor, Human Health or Toxicity, the Regional Board will consider as evidence relevant and scientifically valid water quality goals from sources such as drinking water standards from the California Department of Health Services (State "Action Levels"), the National Interim Drinking Water Standards, Proposition 65 Lawful Levels, National Ambient Water Quality Criteria (USEPA's "Quality Criteria for Water" for the years 1986, 1976 and 1972; "Ambient Water Quality Criteria," volumes 1980, 1984, 1986, 1987 and 1989), the National Academy of Sciences' Suggested No-Adverse-Response Levels (SNARL), USEPA's Health and Water Quality Advisories, as well as other relevant and scientifically valid evidence.

References to Agriculture or AGR designations:

In determining compliance with objectives including references to the AGR designated use, the Regional Board will refer to water quality goals and recommendations from sources such as the Food and Agriculture Organization of the United Nations, University of California Cooperative Extension, Committee of Experts, and McKee and Wolf's "Water Quality Criteria" (1963).

References to "Natural High Quality Waters":

The Regional Board generally considers "natural high quality water(s)" to be those waters with ambient water quality equal to, or better than, current drinking

water standards. However, the Regional Board also recognizes that some waters with poor chemical quality may support important ecosystems (e.g., Mono Lake).

References to "10 percent significance level":

A statistical hypothesis is a statement about a random variable's probability distribution, and a decision-making procedure about such a statement is a hypothesis test. In testing a hypothesis concerning the value of a population mean, the null hypothesis is often used. The null hypothesis is that there is no difference between the population means (e.g., the mean value of a water quality parameter after the discharge is no different than before the discharge.) First a level of significance to be used in the test is specified, and then the regions of acceptance and rejection for evaluating the obtained sample mean are determined.

At the 10 percent significance level, assuming normal distribution, the acceptance region (where one would correctly accept the null hypothesis) is the interval which lies under 90 percent of the area of the standard normal curve. Thus, a level of significance of 10 percent signifies that when the population mean is correct as specified, the sample mean will fall in the areas of rejection only 10 percent of the

If the hypothesis is rejected when it should be accepted, a Type I error has been made. In choosing a **10 percent level of significance**, there are 10 chances in 100 that a Type I error was made, or the hypothesis was rejected when it should have been accepted (i.e., one is 90 percent *confident* that the right decision was made.)

The **10** percent significance level is often incorrectly referred to as the 90 percent significance level. As explained above, the significance level of a test should be low, and the confidence level of a confidence interval should be high.

References to "Means" (e.g., annual mean, mean of monthly means), "Medians" and "90th percentile values":

"Mean" is the arithmetic mean of all data. "Annual mean" is the arithmetic mean of all data collected in a one-year period. "Mean of monthly mean" is the arithmetic mean of 30-day averages (arithmetic

means). The **median** is the value which half of the values of the population exceed and half do not. The **average value** is the arithmetic mean of all data. For a **90th percentile value**, only 10% of data exceed this value.

Compliance determinations shall be based on available analyses for the time interval associated with the discharge. If only one sample is collected during the time period associated with the water quality objective, (e.g., monthly mean), that sample shall serve to characterize the discharge for the entire interval. Compliance based upon multiple samples shall be determined through the application of appropriate statistical methods.

Standard Analytical Methods to Determine Compliance with Objectives

Analytical methods to be used are usually specified in the monitoring requirements of the waste discharge permits. Suitable analytical methods are:

- those specified in 40 CFR Part 136, and/or
- those methods determined by the Regional Board and approved by the USEPA to be equally or more sensitive than 40 CFR Part 136 methods and appropriate for the sample matrix, and/or
- where methods are not specified in 40 CFR Part 136, those methods determined by the Regional Board to be appropriate for the sample matrix

All analytical data shall be reported uncensored with method detection limits and either practical quantitation levels or limits of quantitation identified. Acceptance of data should be based on demonstrated laboratory performance.

For **bacterial analyses**, sample dilutions should be performed so the range of values extends from 2 to 16,000. The detection method used for each analysis shall be reported with the results of the analysis. Detection methods used for coliforms (total and fecal) shall be those presented in *Standard Methods for the Examination of Water and Wastewater* (American Public Health Association et al. 1992), or any alternative method determined by the Regional Board to be appropriate.

For acute toxicity, compliance shall be determined

by short-term toxicity tests on undiluted effluent using an established protocol (e.g., American Society for Testing and Materials [ASTM], American Public Health Association, USEPA, State Board).

For **chronic toxicity**, compliance shall determined using the critical life stage (CLS) toxicity tests. At least three approved species shall be used to measure compliance with the toxicity objective. If possible, test species shall include a vertebrate, an invertebrate, and an aquatic plant. After an initial screening period, monitoring may be reduced to the most sensitive species. Dilution and control waters should be obtained from an unaffected area of the receiving waters. For rivers and streams, dilution water should be obtained immediately upstream of the discharge. Standard dilution water can be used if the above sources exhibit toxicity greater than 1.0 Chronic Toxicity Units. All test results shall be reported to the Regional Board in accordance with the "Standardized Reporting Requirements for Monitoring Chronic Toxicity" (State Board Publication No. 93-2 WQ).

Application of Narrative and Numerical Water Quality Objectives to Wetlands

Although not developed specifically for wetlands, many surface water **narrative objectives** are generally applicable to most wetland types. However, the Regional Board recognizes, as with other types of surface waters such as saline or alkaline lakes, that natural water quality characteristics of some wetlands may not be within the range for which the narrative objectives were developed. The Regional Board will consider site-specific adjustments to the objectives for wetlands (bacteria, pH, hardness, salinity, temperature, or other parameters) as necessary on a case-by-case basis.

The **numerical criteria** to protect one or more beneficial uses of surface waters, where appropriate, may directly apply to wetlands. For example, wetlands which actually are, or which recharge, municipal water supplies should meet human health criteria. The USEPA numeric criteria for protection of freshwater aquatic life, as listed in *Quality Criteria for Water—1986*, although not developed specifically for wetlands, are generally applicable to most wetland types. As with other types of surface waters, such as saline or alkaline lakes, natural water quality characteristics of some wetlands may not be within

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the range for which the criteria were developed. Adjustments for pH, hardness, salinity, temperature, or other parameters may be necessary. The Regional Board will consider developing site-specific objectives for wetlands on a case-by-case basis.